

Court Rebuffs Reporters on Phone Records

8/18/76
By Timothy S. Robinson
Washington Post Staff Writer

U.S. District Court Judge June L. Green ruled here yesterday that federal investigators and the telephone company do not have to notify reporters when their telephone toll records are subpoenaed by federal investigative agencies.

The ruling came in a suit filed two years ago by a number of reporters and the Reporters Committee for Freedom of the Press, who claimed the release of such information by the telephone company hampered their attempts to gather news.

Long-distance toll records disclose the telephone numbers of persons called, and can be used to determine the names of sources contacted by the news media, the reporters' attorneys argued.

Judge Green ruled yesterday, however, that reporters have no special protection under the First Amendment to prevent the disclosure of their sources.

The judge said, however, that she is concerned with the "pervasive intrusion" into the private lives of telephone users by the release of such information without proper safeguards.

She suggested that a law be enacted that would require federal investigation to seek approval from a judge before gaining access to the telephone toll records. Such approval is already required before similar information can be released concerning local telephone calls, since detailed information on local calls can be gathered only through the installation of a mechanical device on the telephone.

While the suit was pending, government agencies disclosed that they asked for toll records of columnist Jack Anderson on two occasions, a New York Times reporter on one occasion, the Knight Newspaper chain on another occasion, and a St. Louis reporter at another time.

The reporters and news organiza-

tion had asked in the suit that they be given advance notice of any subpoenas being issued for their telephone records, so they could ask a court to block the subpoena.

Only the telephone company was originally named as a defendant in the case, but the U.S. government asked to join the case as a defendant "because of its interest in insuring continued timely compliance with its demands for records in the course of the many law enforcement investigations which it conducts."

Jack C. Landau, a representative of the Reporters Committee for Freedom of the Press, said the subpoena procedure upheld by yesterday's ruling is unfair because reporters are not given a chance for a hearing before the material is turned over to the government. He said a bill is pending in Congress to change the procedure.